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OFFICIAL

SEP 21 2000

TC 1700

## FASCIMILE COVER SHEET

DATE: September 21, 2000

Number of Pages:  
(including Cover Sheet)

13

To: Examiner Arlen Soderquist  
Fax Number: 703-872-9749  
Phone Number: 703-308-3989

APPLICANT: Overbeck et al.  
SERIAL NO: 09/079,324 — later assigned 60/183,021  
FILING DATE: May 14, 1998

## COMMENTS:

As you requested in your voice mail message, I am enclosing a copy of a Petition under 37 CFR §1.182 and 37 CFR §1.182 originally faxed to Examiner Lee on May 16, 2000. Please call me about the status of this application at your convenience.

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the enclosed total of 13 pages including cover sheet is being facsimile transmitted to the fax number shown above, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitzkovsky, Reg. No. 37,482

Date:

September 21, 2000

Signing Certification

Ivan D. Zitzkovsky

If this facsimile is illegible or you did not receive all pages, please call me.

This facsimile transmission is intended only for the above-named recipient and is CONFIDENTIAL and PRIVILEGED. If you received this transmission in error, please call collect 781-274-8064 to arrange return of all copies by mail.

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SEP 21 2000  
TC 1700

**FASCIMILE COVER SHEET**

**DATE:** July 5, 2000

**Number of Pages:**  
(including Cover Sheet)

**To:** Examiner Warden  
**Fax Number:** 703-872-9393  
**Phone Number:** 703-308-4037

**APPLICANT:** Overbeck et al.  
**SERIAL NO:** 09/079,324  
**FILING DATE:** May 14, 1998

**COMMENTS:**

As we discussed today, I am enclosing a copy of a Petition under 37 CFR §1.182 and 37 CFR §1.182 faxed to Examiner Lee on May 16, 2000. Please call me about the status of this application at your convenience.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the enclosed total of **12** pages including cover sheet is being facsimile transmitted to the fax number shown above, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitkovsky, Reg. No. 37.482

Date:

July 5, 2000

Signing Certification

*Ivan D. Zitkovsky*

**COPY**

If this facsimile is illegible or you did not receive all pages, please call me.

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WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
(617) 720-3500  
Fax (617) 720-2441

FAX COVER SHEET

OFFICIAL

SEP 21 2000

TC 1700

DATE: May 16, 2000

TO: Examiner Long Le - Technology Center 1743

APPLICANT: Overbeck et al.

SERIAL NO: 09/079,342

FILING DATE: May 14, 1998

TITLE: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING  
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

FAX NO: 703/305-7719

Number of Pages (including Cover Sheet): 11

## ORIGINAL DOCUMENTS WILL BE SENT:

☐ 1st Class ☐ Overnight ☐ Air Mail ☒ Not Sent

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that a Request to Withdraw Decision to Convert to a Provisional Application Under 37 C.F.R. 1.53(b)(2)(ii) in the above-referenced application (Total of 11 pages including cover sheet) is/are being facsimile transmitted Examiner Le at the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person

Ivan Zitkovsky

Date:

May 16, 2000

Signing Certification

Ivan Zitkovsky

COPY

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussion, distribution, or copying of this message is strictly prohibited by anyone other than the named recipient, or his or her employees or agents. If you have received this fax in error, please immediately notify us by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service.

IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL IMMEDIATELY AT (617) 720-3500

WG&amp;S File Number: A0749/7004

ATTORNEY'S DOCKET NO: A0749/7004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Overbeck et al.

Serial No.: 09/079,324

Filed: May 14, 1998

For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING  
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

(SEP 21 2000

TC 1700

Examiner: L. Le

Art Unit: 1743

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Honorable Commissioner for Patents  
Washington, D.C. 20231

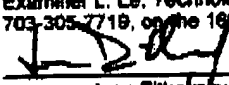
Sir/Madam:

Transmitted herewith for filing is/are the following document(s):


- ☒ Petition under Rule 1.182 and/or 1.183
- ☒ Revocation and New Power of Attorney
- ☒ Copy of Filing Receipt (received September 9, 1998)
- ☒ Copy of Decision on Petition to Convert to A Provisional Application
- ☒ Deposit Account Authorization

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

Please charge any underpayment or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

<p><b>CERTIFICATE OF FACSIMILE TRANSMITTAL</b></p> <p>The undersigned hereby certifies that this document is being facsimile transmitted to Examiner L. Le, Technology Center 1743, fax no. 703-305-7719, on the 16th day of May 2000.</p> <p> Ivan Zitkovsky</p>
--

Respectfully submitted,

  
Ivan D. Zitkovsky, Reg. No. 37,482  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone No. (617) 720-3500  
Attorneys for Applicants

**COPY**

Docket No.: A0749/7004  
Dated: May 16, 2000

ATTORNEY'S DOCKET NO: A0749/7004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: Overbeck et al.

Serial No.: 09/079,324

Filed: May 14, 1998

For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING  
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

SEP 21 2000

TC 1700

Examiner: L. Le

Art Unit: 1743

---

Honorable Commissioner for Patents  
Washington, D.C. 20231


Sir/Madam:

Transmitted herewith for filing is/are the following document(s):


- ☒ Petition under Rule 1.182 and/or 1.183
- ☒ Revocation and New Power of Attorney
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Please charge any underpayment or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

<b>CERTIFICATE OF FACSIMILE TRANSMITTAL</b>  The undersigned hereby certifies that this document is being facsimile transmitted to Examiner L. Le, Technology Center 1743, fax no. 703-305-7719, on the 16th day of May 2000.   Ivan Zitkovsky
--

Respectfully submitted,

  
Ivan D. Zitkovsky, Reg. No. 37,482  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone No. (617) 720-3500  
Attorneys for Applicants**COPY**

Docket No.: A0749/7004

Dated: May 16, 2000

ATTORNEY'S DOCKET NO: A0749/7004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**OFFICIAL**

Applicant: Overbeck et al.

Serial No.: 09/079,324

Filed: May 14, 1998

For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING  
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

SEP 21 2000

TC 1700

Examiner: L. Le

Art Unit: 1743

---

Honorable Commissioner for Patents  
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. §1.182 AND/OR §1.183**

**REQUEST TO WITHDRAW DECISION TO CONVERT  
TO PROVISIONAL APPLICATION, AND  
MOTION TO EXPUNGE FROM THE RECORD**

Sir/Madam:

Applicant hereby petitions the Commissioner to withdraw the Decision dated March 21, 2000, to convert the pending application U.S. Serial No. 09/079,324, to a Provisional Application. Furthermore, Applicant respectfully asks that this Decision to convert be expunged from the record, and ask the Commissioner to continue treating the above-captioned application as a non-provisional utility patent application.

The facts of the case are as follows:

1. The above-caption application was filed on May 14, 1998.
2. On August 3, 1998, Applicants responded to the Notice to File Missing Parts, submitted an executed Declaration and paid the PTO fees in the amount of \$2,016. Enclosed is a copy of the Filing Receipt confirming that the non-provisional application was properly completed, and the PTO fees in the amount of \$2,016 were paid.
3. By mistake, when responding to the Notice to File Missing Parts, Applicants also submitted on August 3, 1998, a Petition to Convert to Provisional Application under 37 C.F.R. 1.53(b)(2)(ii).

U.S. Serial No.: 09/079,324

-3-

Art Unit: 1743

4. In 1998 or 1999, the Patent Office did not act on the above Petition to Convert and treated this application as a non-provisional utility patent application.
5. On September 24, 1999, the Examiner issued a first Office Action.
6. On October 25, 1999, Applicants responded to the first Office Action.
7. On January 18, 2000, the Examiner issued a Restriction Requirement.
8. On February 15, 2000, Applicants filed a Request to confirm that the previously filed Petition to Convert to Provisional Application has not been entered.
9. On April 17, 2000, Applicant responded to the Restrictions Requirement by electing Group XII, i.e., claims 102-104 (and submitted a Petition for Extension of Time including the extension fees).
10. On March 21, 2000, the Patent Office granted the Petition to Convert, which was filed on August 3, 1998 (i.e., 19 months after filing the Petition and after treating the Application as non-provisional). However, since the date of the Decision to Convert to Provisional Application is more than one year after the filing date of the above-captioned application, this Decision is moot.
11. Applicants hereby confirm the previous withdrawal of their Petition to Convert to Provisional Application (erroneously filed on August 3, 1998) and confirm their intention to treat this application as a non-provisional utility patent application.

Therefore, Applicants respectfully petition the Commissioner to withdraw the Decision to Convert to Provisional Application and expunge from the record this Decision. Furthermore, Applicants respectfully petition the Commissioner to treat (or continue treating) the above-captioned application as a non-provisional utility patent application.

Applicants enclose a Revocation and New Power of Attorney. If there is any outstanding issue left in this Petition, please call the undersigned at the telephone number listed below.

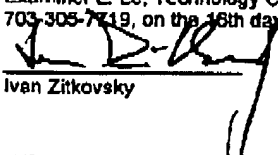
The Commissioner is hereby authorized to charge the required petition fee in connection with this request to our Deposit Account Number 23/2825. A duplicate of

U.S. Serial No.: 09/079,324


-3-

Art Unit: 1743

this sheet is enclosed.

<p><b>CERTIFICATE OF FACSIMILE TRANSMITTAL</b></p> <p>The undersigned hereby certifies that this document is being facsimile transmitted to Examiner L. Le, Technology Center 1743, fax no. 703-305-7719, on the 16th day of May 2000.</p> <p> Ivan Zitkovsky</p>
--

Respectfully submitted,

  
Ivan D. Zitkovsky, Reg. No. 37,482  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone No. (617) 720-3500 x241  
Attorneys for Applicants

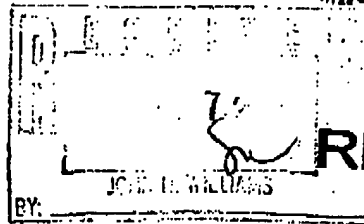
Docket No.: A0749/7004  
Dated: May 16, 2000





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

March 21, 2000



RECEIVED

Page #8

Fish & Richardson  
225 Franklin Street  
Boston, MA 02110-2804

MAR 24 2000

FISH & RICHARDSON, P.C.  
BOSTON OFFICE

In re Application of:  
James W. Overbeck, et al.  
Application No.: 09/079,324  
Filed: May 14, 1998  
Attorney Docket: 09604/012001

COPY

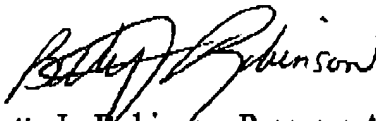
DECISION ON PETITION


This is a decision on your petition received in the Patent and Trademark Office on August 3, 1998, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/183,021 the filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

  
Betty L. Robinson, Program Assistant  
Office of Initial Patent Examination  
(703) 308-0910

* No Docketing Required *	
Reviewed By	Practice Systems
Initials:	
Reviewed By	Dilling Secretary
Initials:	

PTO-103X  
(Rev. 8-96)

FILING RECEIPT

CORRECTED



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/079,324	05/14/98	2872	\$2,016.00	09604/012001	22	113	16

JOHN N WILLIAMS  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON MA 02110-2804

RECEIVED  
SEP 09 1998  
FISH & RICHARDSON P.A.  
BOSTON, MA

COPY

Receipt is acknowledged of this nonprovisional Patent Application. In order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 30 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

JAMES W. OVERBECK, HINGHAM, MA; PETER T. FLOWERS, MILTON, MA; JEAN I. MONTAGU, BROOKLINE, MA; MYLES L. MACE SR., DOVER, MA; PETER HONKANEN, ARLINGTON, MA.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 09/006,344 01/13/98  
AND A CIP OF 09/045,547 03/20/98

FOREIGN FILING LICENSE GRANTED 06/02/98

\* SMALL ENTITY \*

TITLE

DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING ORDERED ARRAYS,  
TECHNIQUES FOR ANALYSIS OF DEPOSITED ARRAYS

PRELIMINARY CLASS: 359

* No Docketing Required *	
Reviewed By Practice Systems	Initials: <u>HOD</u>
Reviewed By Billing Secretary	Initials: _____

Attorney's Docket No.: 09604-012001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James W. Overbeck et al.      Art Unit : 1743  
Serial No. : 09/079,324      Examiner : Le, L.  
Filed : May 14, 1998  
Title : DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING  
ORDERED ARRAYS, TECHNIQUES FOR ANALYSIS OF DEPOSITED  
ARRAYS

Assistant Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) GENETIC MICROSYSTEMS, INC., Taxpayer I.D. No. **77-0532057**, a Massachusetts corporation (a wholly owned subsidiary of Affymetrix, Inc., a Delaware corporation) (referred to elsewhere herein as "new GMS" and as "Owner"), certifies that it is the owner of 100% of the right, title and interest in the patent application identified above by virtue of:

☒ An assignment from the inventors of the patent application identified above to Genetic MicroSystems, Inc., Taxpayer I.D. No. **04-3386421**, a Massachusetts corporation, incorporated (hereinafter referred to as old GMS). The assignment was recorded in the Patent and Trademark Office at Reel 9370, Frame 0891 on August 3, 1998.

☒ Merger of the aforesaid Genetic MicroSystems, Inc. (old GMS), on February 12, 2000, into GMS Acquisition, Inc., a Massachusetts corporation, (a wholly owned subsidiary of Affymetrix, Inc., a Delaware corporation), certificate of merger attached hereto.

☒ Change of name of the aforesaid GMS Acquisition, Inc., to Genetic MicroSystems, Inc. (new GMS), certificate of name change attached hereto.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(n) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

*Express Mail Label**No. EL583586103US**Date of Deposit: April 17, 2000*

Applicant : James W. Overbeck et al.  
Serial No. : 09/079,324  
Filed : May 14, 1998  
Page : 2

Attorney's Docket No.: 09604-012001

The undersigned has reviewed all of the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in Owner identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of Owner.

The undersigned, acting on behalf of the Owner, hereby revokes all powers of attorney previously granted in the application and appoints:

Philip L. McGarrigle, Reg. No. 31,395  
Vern Norviel, Reg. No. 32,483  
Wei Zhou, Reg. No. 44,419  
Ellen Gonzales, Reg. No. 44,128  
AFFYMETRIX, INC.  
3380 Central Expressway  
Santa Clara, CA 95051

Joseph Liebeschuetz, Reg. No. 37,505  
William M. Smith, Reg. No. 30,223  
TOWNSEND AND TOWNSEND AND CREW LLP  
379 Lytton Avenue  
Palo Alto, CA 94301-1431

Pamela L. Banner, Reg. No. 33,644  
Kevin Wolff, Reg. No. 42,233  
John Iwanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Washington, DC 20001-4597

Ivan D. Zitkovsky, Reg. 37,482  
Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to JEAN I. MONTAGU

at:

Applicant : James W. Overbeck et al.  
Serial No. : 09/079,324  
Filed : May 14, 1998  
Page : 3


Attorney's Docket No.: 09604-012001

Attn: Legal Department  
Genetic MicroSystems, Inc.  
34 Commerce Way  
Woburn, MA 01801

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,  
Genetic MicroSystems, Inc. (new GMS)

Date: 4/17/00

  
Stanley D. Rose  
Title: VP. G.M.

Ivan D. Zitkovsky  
Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone: (617) 720-3500  
20039324 doc